

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

---

Introduced by: The Council President  
At the request of: The Administration (♦)

---

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Restaurants, Taverns, Halls, and Similar Establishments –  
Live Entertainment – Nightlife**

FOR the purpose of defining certain terms relating to restaurants, taverns, halls, after-hour establishments, and certain other establishments that serve food or beverages, that offer live entertainment or dancing, or that otherwise involve nightlife activities; conforming certain language; repealing certain provisions relating to the status of certain restaurants or taverns that, as of a certain date, operated with live entertainment or dancing; establishing certain criteria for conditional use approval of certain restaurants, taverns, and after-hours establishments; providing for the delayed effect of certain provisions on certain nonconforming establishments; and generally relating to the zoning and related regulation of auditoriums, halls, restaurants, taverns, and other establishments serving food or beverages or offering live entertainment or dancing.

BY adding

Article - Zoning  
Section(s) 1-112.1, 1-114.1, 1-123.1, 1-123.2, 1-153.1, 1-168.1, 1-182.1,  
1-182.2, 1-194.1, 1-194.2, 14-309, and 14-310  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning  
Section(s) 1-107, 6-208(15), 6-306(71), 6-309(9), 6-406(57), 6-506(12) and (23),  
7-306(56), and 7-307(9)  
Baltimore City Revised Code  
(Edition 2000)

BY repealing

Article - Zoning  
Section(s) 13-606  
Baltimore City Revised Code  
(Edition 2000)

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **WARNING:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article – Zoning**

**§ 1-107. After-hours establishment.**

[(a) *In general.*]

“After-hours establishment” means any [banquet hall, dance hall, meeting hall, private club or lodge, or similar place] OF THE FOLLOWING that remains open after 2 a.m. on any day:

(1) A BANQUET HALL, DANCE HALL, PRIVATE CLUB OR LODGE, OR SIMILAR PLACE; OR

[(b) *Restaurants with live entertainment, etc.*]

(2) [“After-hours establishment” includes] a restaurant that provides live entertainment or dancing [and remains open after 2 a.m. on any day].

**§ 1-112.1. AUDITORIUM.**

“AUDITORIUM” MEANS AN ESTABLISHMENT THAT IS:

(1) DESIGNED OR USED FOR THE GATHERING OF PEOPLE SEATED AS AN AUDIENCE;

(2) OPEN TO THE GENERAL PUBLIC, WITH OR WITHOUT AN ADMISSION CHARGE; AND

(3) USED PRIMARILY FOR PUBLIC SPEAKING OR LIVE ENTERTAINMENT.

**§ 1-114.1. BANQUET HALL.**

(A) *IN GENERAL.*

“BANQUET HALL” MEANS AN ESTABLISHMENT:

(1) THAT IS USED REGULARLY FOR SERVING FOOD OR BEVERAGES TO GROUPS THAT, BEFORE THE DAY OF THE EVENT, HAVE RESERVED THE FACILITY FOR BANQUETS OR MEETINGS;

(2) TO WHICH THE GENERAL PUBLIC IS NOT ADMITTED; AND

(3) FOR WHICH NO ADMISSION CHARGE IS IMPOSED AT THE DOOR.

(B) *INCLUSIONS.*

“BANQUET HALL” INCLUDES AN ESTABLISHMENT THAT PROVIDES LIVE ENTERTAINMENT AS AN ACCESSORY TO THE USE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(C) *EXCLUSIONS.*

“BANQUET HALL” DOES NOT INCLUDE ANY RESTAURANT OR TAVERN.

**§ 1-123.1. CARRY-OUT FOOD SHOP.**

“CARRY-OUT FOOD SHOP” MEANS A BUSINESS ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE SALE OF READY-TO-CONSUME FOOD AND BEVERAGES FOR OFF-PREMISES CONSUMPTION.

**§ 1-123.2. CATERING ESTABLISHMENT.**

“CATERING ESTABLISHMENT” MEANS A BUSINESS ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE PREPARATION OF FOOD AND BEVERAGES FOR OFF-PREMISES CONSUMPTION ONLY.

**§ 1-153.1. LIVE ENTERTAINMENT.**

(A) *IN GENERAL.*

“LIVE ENTERTAINMENT” MEANS ANY ONE OR MORE OF ANY OF THE FOLLOWING, PERFORMED LIVE BY ONE OR MORE PERSONS, WHETHER OR NOT DONE FOR COMPENSATION AND WHETHER OR NOT ADMISSION IS CHARGED:

- (1) MUSICAL ACT (INCLUDING KARAOKE);
- (2) THEATRICAL ACT (INCLUDING STAND-UP COMEDY);
- (3) PLAY;
- (4) REVUE;
- (5) DANCE;
- (6) MAGIC ACT;
- (7) DISC JOCKEY; OR
- (8) SIMILAR ACTIVITY.

(B) *EXCLUSIONS.*

“LIVE ENTERTAINMENT” DOES NOT INCLUDE ADULT ENTERTAINMENT, AS DEFINED IN § 1-106 OF THIS SUBTITLE.

**§ 1-168.1. OUTDOOR TABLE SERVICE.**

“OUTDOOR TABLE SERVICE”, AS AN ACCESSORY TO A RESTAURANT, MEANS AN OUTDOOR SERVICE AREA AT WHICH PATRONS ARE SEATED AT TABLES FOR SERVICE OF FOOD AND DRINKS.

### **§ 1-182.1. RESTAURANT.**

#### **(A) *IN GENERAL.***

“RESTAURANT” MEANS A BUSINESS ESTABLISHMENT AT WHICH:

- (1) FOOD AND DRINKS ARE PROVIDED TO THE PUBLIC, PRIMARILY FOR ON-PREMISES CONSUMPTION BY SEATED PATRONS; AND
- (2) IF THE ESTABLISHMENT ALSO SERVES ALCOHOLIC BEVERAGES:
  - (I) A FULL MENU OF FOOD AND DRINKS IS PREPARED PRIMARILY ON PREMISES IN A FULLY EQUIPPED KITCHEN CAPABLE OF PREPARING FOOD FOR THE RATED SEATING CAPACITY; AND
  - (II) ANNUALLY, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD EXCEEDS 50% OF THE ESTABLISHMENT’S TOTAL AVERAGE DAILY RECEIPTS, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, COVER CHARGES, OR OTHER RECEIPTS NOT DERIVED FROM THE SALE OF FOOD OR BEVERAGES.

#### **(B) *INCLUSIONS.***

“RESTAURANT” INCLUDES A CAFETERIA THAT MEETS THE CRITERIA SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

#### **(C) *EXCLUSIONS.***

“RESTAURANT” DOES NOT INCLUDE ANY TAVERN.

### **§ 1-182.2. RESTAURANT – INCLUDING LIVE ENTERTAINMENT OR DANCING.**

#### **(A) *IN GENERAL.***

“RESTAURANT – INCLUDING LIVE ENTERTAINMENT OR DANCING” MEANS A RESTAURANT AT WHICH LIVE ENTERTAINMENT, DANCING, OR BOTH MAY BE PROVIDED AS AN ACCESSORY USE.

#### **(B) *LIMITATION.***

LIVE ENTERTAINMENT OR DANCING MAY OCCUR ONLY WHILE THE KITCHEN IS OPEN, AS AN ENHANCEMENT TO THE FOOD SERVICE EXPERIENCE.

### **§ 1-194.1. TAVERN.**

“TAVERN” MEANS A BUSINESS ESTABLISHMENT THAT:

- (1) IS DEVOTED PRIMARILY TO SERVING ALCOHOLIC BEVERAGES TO THE PUBLIC FOR ON-PREMISES CONSUMPTION; AND
- (2) MIGHT OR MIGHT NOT ALSO SERVE FOOD.

**§ 1-194.2. TAVERN – INCLUDING LIVE ENTERTAINMENT OR DANCING.**

“TAVERN – INCLUDING LIVE ENTERTAINMENT OR DANCING” MEANS A TAVERN AT WHICH LIVE ENTERTAINMENT, DANCING, OR BOTH MAY BE PROVIDED AS AN ACCESSORY USE.

**§ 6-208. Conditional use – Board approval required.**

In a B-1 District, conditional uses that require Board approval are as follows:

- (15) Restaurants [and lunch rooms] – but not including live entertainment or dancing.

**§ 6-306. Permitted uses.**

In a B-2 District, permitted uses are as follows:

- (71) Restaurants [and lunch rooms] – but not including live entertainment or dancing.

**§ 6-309. Conditional uses C Ordinance required.**

In a B-2 District, conditional uses that require approval by ordinance are as follows:

- (9) [Meeting and banquet] BANQUET halls.

**§ 6-406. Permitted uses.**

In a B-3 District, permitted uses are as follows:

- (57) Restaurants [and lunch rooms] – including live entertainment and dancing.

**§ 6-506. Permitted uses.**

In a B-4 District, permitted uses are as follows:

- (12) [Meeting and banquet] BANQUET halls.
- (23) Restaurants [and lunch rooms] – including live entertainment and dancing.

**§ 7-306. Permitted uses.**

In an M-2 District, permitted uses are as follows:

- (56) Restaurants [and lunch rooms] – but not including live entertainment or dancing.

**§ 7-307. Conditional uses – Board approval required.**

In an M-2 District, conditional uses that require Board approval are as follows:

- (9) Restaurants [and lunch rooms] – including live entertainment and dancing – but only if located at least 500 feet from a residence district.

**[§ 13-606. Restaurant or tavern with live entertainment in B-2 District.**

Notwithstanding the provisions of this title, any lawfully established restaurant or tavern that is in a B-2 District and, on April 20, 1971, was operating with live entertainment or dancing as an accessory use:

- (1) may be continued; and
- (2) does not have the status of a nonconforming use.]

**§ 14-309. LIVE ENTERTAINMENT OR DANCING.**

FOR A RESTAURANT OR TAVERN OPERATING WITH LIVE ENTERTAINMENT OR DANCING AS AN ACCESSORY USE, THE BOARD MUST CONSIDER IMPOSING CONDITIONS, AS APPROPRIATE, CONCERNING:

- (1) DAYS AND HOURS OF OPERATION;
- (2) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR NOISE PROOFING;
- (3) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR CONFIGURATION OF THE ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;
- (4) NUMBER OF LIVE ENTERTAINERS;
- (5) NUMBER OF SEATS PROPOSED FOR OUTDOOR TABLE SERVICE;
- (6) EXTERIOR LIGHTING;
- (7) WHETHER TO LIMIT THE ACCESSORY USE TO LIVE ENTERTAINMENT ONLY OR DANCING ONLY; AND
- (8) THE ESTABLISHMENT AND MAINTENANCE OF:
  - (I) A TRAFFIC AND PARKING MANAGEMENT PLAN; AND
  - (II) AN INDOOR AND OUTDOOR SECURITY PLAN.

**§ 14-310. AFTER-HOURS ESTABLISHMENTS.**

**(A) *REQUIRED CONSIDERATIONS.***

FOR AN AFTER-HOURS ESTABLISHMENT, THE BOARD MUST CONSIDER IMPOSING CONDITIONS, AS APPROPRIATE, CONCERNING:

- (1) DAYS AND HOURS OF OPERATION;
- (2) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR NOISE PROOFING;
- (3) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR CONFIGURATION OF ANY ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;

- (4) NUMBER OF LIVE ENTERTAINERS;
- (5) NUMBER OF SEATS PROPOSED FOR OUTDOOR TABLE SERVICE;
- (6) EXTERIOR LIGHTING;
- (7) WHETHER TO PLACE LIMITS ON THE TYPE OF ENTERTAINMENT USE; AND
- (8) THE ESTABLISHMENT AND MAINTENANCE OF:
  - (I) A TRAFFIC AND PARKING MANAGEMENT PLAN; AND
  - (II) AN INDOOR AND OUTDOOR SECURITY PLAN.

(B) *REQUIRED FINDINGS AND CONDITIONS.*

THE BOARD MUST FIND, AND REQUIRE AS A CONDITION OF APPROVAL, THAT THE ESTABLISHMENT CANNOT BE ENTERED FROM A TAVERN.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That any restaurant that serves alcoholic beverages and that, on the effective date of this Ordinance, becomes nonconforming because it does not comply with Zoning Code § 1-182.1(a)(2), as enacted by Section 1 of this Ordinance, may continue as a nonconforming use for no more than 3 years after the effective date of this Ordinance. At the end of that 3-year period, the use must either (i) fully comply with Zoning Code § 1-182.1(a)(2) or (ii) be terminated and discontinued.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.